

Federal Operating Permit Article 1

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Virginia Electric and Power Company	Registration	20675
Facility Name:	Dominion - Low Moor CT Station	AIRS Number:	51-005-0024
Facility Location:	Route 616 Low Moor, Virginia	Permit Number:	WCRO-20675

June 20, 2003
Effective Date

August 31, 2006
Modified Date

June 19, 2008
Expiration Date

Steven A. Dietrich, P.E.
Regional Director

Signature Date

Table of Contents, 1 page
Permit Conditions, 21 pages

Table of Contents

I.	FACILITY INFORMATION	3
II.	EMISSION UNITS	4
III.	FUEL BURNING EQUIPMENT REQUIREMENTS – ES1, ES2, ES3 AND ES4.....	5
A.	LIMITATIONS	5
B.	MONITORING AND RECORDKEEPING	6
C.	TESTING	8
IV.	INSIGNIFICANT EMISSION UNITS.....	9
V.	PERMIT SHIELD & INAPPLICABLE REQUIREMENTS.....	10
VI.	GENERAL CONDITIONS.....	11
A.	FEDERAL ENFORCEABILITY	11
B.	PERMIT EXPIRATION	11
C.	RECORDKEEPING AND REPORTING	12
D.	ANNUAL COMPLIANCE CERTIFICATION	13
E.	PERMIT DEVIATION REPORTING.....	14
F.	FAILURE/MALFUNCTION REPORTING	14
G.	STARTUP, SHUTDOWN, AND MALFUNCTION	15
H.	MALFUNCTION AS AN AFFIRMATIVE DEFENSE.....	15
I.	FUGITIVE DUST EMISSION STANDARDS	16
J.	SEVERABILITY	16
K.	DUTY TO COMPLY	17
L.	NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE	17
M.	PERMIT ACTION FOR CAUSE	17
N.	PROPERTY RIGHTS	18
O.	DUTY TO SUBMIT INFORMATION.....	18
P.	DUTY TO PAY PERMIT FEES.....	18
Q.	ALTERNATIVE OPERATING SCENARIOS	19
R.	INSPECTION AND ENTRY REQUIREMENTS	19
S.	REOPENING FOR CAUSE	19
T.	PERMIT AVAILABILITY	20
U.	TRANSFER OF PERMITS.....	20
V.	PERMIT REVOCATION OR TERMINATION FOR CAUSE.....	20
W.	DUTY TO SUPPLEMENT OR CORRECT APPLICATION.....	21
X.	STRATOSPHERIC OZONE PROTECTION	21
Y.	ACCIDENTAL RELEASE PREVENTION.....	21
Z.	CHANGES TO PERMITS FOR EMISSIONS TRADING	21
AA.	EMISSIONS TRADING	21

I. Facility Information

Permittee

Virginia Electric and Power Company
5000 Dominion Boulevard
Glen Allen, VA 23060

Responsible Official

O. Preston Sloane
Station Director

Facility

Dominion - Low Moor CT Station
Route 616
Low Moor, VA

Contact Person

Pamela F. Faggert
Vice President and Chief Environmental Officer
(804) 273-3467

Registration Number: 20675

AIRS Identification Number: 51-005-0024

Facility Description: SIC Code 4911 – The Low Moor Combustion Turbine Station generates electric power during peak demand periods using four distillate oil-fired simple cycle combustion turbines. One of the turbines is equipped with a diesel starter engine for blackstart capability -- this engine is an insignificant source. All fuel-burning units were constructed in the summer of 1971.

The plant is by definition a Title V major source due to potential emissions of criteria pollutants sulfur dioxide and nitrogen oxides in excess of 100 tpy. It is located in an attainment area for criteria pollutants. The turbines all predate NSPS Subpart GG applicability, having been constructed prior to 1977. Therefore, Subpart GG provisions constitute inapplicable requirements under this permit. A MACT standard for combustion turbines is being developed, but has not yet been proposed or promulgated; it is expected to be proposed at a later date. No alternative operating scenarios have been requested. Voluntary control devices may be installed at the facility in the future.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
ES-1	EP-1	Unit 1 Combustion Turbine (General Electric PB5221)	323 x 10 ⁶ BTU/hr input (maximum design capacity)	-	-	-	-
ES-2	EP-2	Unit 2 Combustion Turbine (General Electric PB5221)	323 x 10 ⁶ BTU/hr input (maximum design capacity)	-	-	-	-
ES-3	EP-3	Unit 3 Combustion Turbine (General Electric PB5221)	323 x 10 ⁶ BTU/hr input (maximum design capacity)	-	-	-	-
ES-4	EP-4	Unit 4 Combustion Turbine (General Electric PB5221)	323 x 10 ⁶ BTU/hr input (maximum design capacity)	-	-	-	-

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Fuel Burning Equipment Requirements – ES1, ES2, ES3 and ES4

A. Limitations

1. The approved fuel for the four combustion turbines is distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396 “Standard Specification for Fuel Oils.” A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-110)
2. The maximum sulfur content of the distillate oil to be burned in the turbines shall not exceed 0.5 percent by weight per shipment.
(9 VAC 5-80-110)
3. Emissions from the operation of each turbine shall not exceed the limits specified below:

Total Suspended	54.9 lbs/hr
Particulate/PM-10	0.170 lbs/million BTU input
Sulfur Dioxide	* 2.64 lbs/million BTU input - hourly emission limit

* SO₂ emission limits are actually much cleaner than these values due to another condition for these turbines limiting the fuel to distillate (No. 2) fuel oil. The No. 2 fuel oil definition limits maximum sulfur content to 0.5% by weight, which calculates to only approximately 0.51 lb SO₂/million BTU when using 2000 AP-42 emission factors.
(9 VAC 5-40-900 A 1, 9 VAC 5-40-930 A 1 and 9 VAC 5-80-110)
4. Visible emissions from each turbine shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60 percent opacity.
(9 VAC 5-40-80, 9 VAC 5-40-940 and 9 VAC 5-80-110)
5. Turbine emissions shall be controlled by proper operation and maintenance. Turbine operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.
(9 VAC 5-80-110)

B. Monitoring and Recordkeeping

1. Operation & Maintenance Procedures - This facility is typically operated remotely as a peaking facility. The operation and maintenance procedures take into consideration the operating nature of this facility. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to the turbines:
 - a. Develop and deploy a condition-based maintenance schedule and maintain records of all scheduled and non-scheduled maintenance for the turbines.
 - b. Develop and deploy a condition-based inspection schedule, monthly at a minimum, to insure operational integrity of the turbines and maintain records of inspection results.
 - c. Have available written operating procedures for the turbines. These procedures shall be based on the manufacturer's recommendations, at a minimum, if such recommendations exist.
 - d. Train operators in the proper operation of the turbines and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance, inspections and training shall be maintained on site for a period of five (5) years and shall be made available to DEQ personnel upon request. (9 VAC 5-40-20 E and 9 VAC 5-80-110)

2. Distillate Oil Shipments - For each distillate oil shipment, the permittee shall obtain a copy of the manifest from each truck. A distillate oil shipment is defined as a series of truck transport loads from any source or vendor. The manifest shall include:
 - a. The name of the fuel supplier,
 - b. The date on which the distillate oil was received, and
 - c. The volume of distillate oil delivered.

After each shipment of distillate oil, the permittee shall:

- d. Test the distillate oil in the distillate oil storage tank (IS-1) for sulfur content. Distillate oil sulfur content shall be determined using ASTM D2880-78 or other approved ASTM method incorporated in 40 CFR 60 by reference.

- e. Certify that the distillate oil in the distillate oil storage tank (IS-1) complies with the ASTM specifications for fuel oil numbers 1 & 2.
- f. Calculate the total volume of distillate oil received in the shipment.

Records of oil shipments and testing shall be maintained on site for a period of five (5) years and shall be made available to DEQ personnel upon request.

(9 VAC 5-80-110)

- 3. The permittee shall perform visible emissions observations (VEO's) on the exhaust stack of each combustion turbine (ES-1, ES-2, ES-3 and ES-4) according to the following schedule:

- a. At least one VEO shall be performed on each unit that operates for a cumulative total of 20 hours or more during the calendar year.
- b. At least one VEO shall be performed during each 200 hours of unit operation during the calendar year.
- c. At least one VEO shall be performed during any unit operability verification testing conducted during the calendar year.

The VEO's shall be conducted using 40 CFR 60 Appendix A Method 22 techniques (condensed water vapor/steam is not a visible emission) for at least a brief time to only identify the presence of visible emissions, unless the unit is monitored by a 40 CFR 60 Appendix A continuous opacity monitor. Each emissions unit in the Method 22 technique observation having visible emissions shall be evaluated by conducting a 40 CFR 60 Appendix A Method 9 visible emissions evaluation (VEE) for at least six (6) minutes, unless corrective action is taken that achieves no visible emissions. 40 CFR 60 Appendix A Method 9 requires the observer to have a Method 9 certification that is current at the time of the VEE. If any of these six (6) minute VEE averages exceed the unit's opacity limitation, a VEE shall be conducted on these emissions for at least 3 six minute periods (at least 18 minutes). All visible emission observations, VEE results, and corrective actions taken shall be recorded.

(9 VAC 5-80-110E)

- 4. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Air Compliance Manager, West Central Regional Office. These records shall include, but are not limited to:
 - a. The annual throughput of distillate oil (in 1000 gallons) for the turbines, calculated monthly as the sum of each consecutive twelve (12) month period.
 - b. Records of distillate oil shipments and testing as specified in Condition III.B.2. of this permit.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-40-50 and 9 VAC 5-80-110)

5. The permittee shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the turbines. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.
(9 VAC 5-80-110)

C. Testing

1. The permitted facility shall be made accessible so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-40-30 and 9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method – Subject to DEQ approval at the time of the test (except Method 9) (40 CFR Part 60, Appendix A)
Sulfur Dioxide	AP-42 emission factors and fuel oil analysis, or EPA Method 6, or DEQ approved method
PM/PM-10	EPA Methods 5, 201, 201A
Visible Emission	EPA Methods 9 and 22

(9 VAC 5-80-110)

IV. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
IS-1	Fuel oil tank	9 VAC 5-80-720B	VOC	1,500,000 gals
IS-2	Lube oil systems	9 VAC 5-80-720B	VOC	4 @ 1700 gals
IS-3	Coolant/glycol systems	9 VAC 5-80-720B	VOC	4 @ 140 gals
IS-4	Oil/water separator (in-ground)	9 VAC 5-80-720B	VOC	20 gpm
ES-5	Unit 4 Blackstart Internal Combustion Engine	9 VAC 5-80-720B	CO ,NO _x , PM ₁₀ , SO ₂ , VOC	6.72 MMBtu/hr (input)

These insignificant emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

V. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
Acid Rain program	40 CFR Parts 72, 73, 74, 75, 76, 77 and 78	Not applicable
NOx Budget Trading program	40 CFR Part 96	Not applicable
NSPS Subpart GG	40 CFR § 60.330, et seq.	Not applicable
MACT Subpart YYYY	40 CFR § 63.6080 et seq.	Not applicable

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VI. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless a timely and complete renewal application consistent with 9 VAC 5-80-80 has been submitted to the West Central Regional Office of the DEQ by the owner, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C & F, 9 VAC 5-80-110 D & 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G. [Note that much of the recordkeeping required by this permit also serves as required periodic monitoring to determine emissions compliance and therefore needs to be addressed in the periodic reports.] The details of the reports are to be arranged with the Air Compliance Manager, West Central Regional Office. The reports shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

(1) Exceedance of emissions limitations or operational restrictions;

(2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or

- (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”
- d. The report shall be sent to the following address:

VA DEQ
Air Compliance Manager, West Central Regional Office
3019 Peters Creek Road
Roanoke, VA 24019

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and to DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

This annual compliance certification shall be sent to the following addresses:

VA DEQ
Air Compliance Manager, West Central Regional Office
3019 Peters Creek Road
Roanoke, VA 24019

U. S. Environmental Protection Agency, Region III
Clean Air Act Title V Compliance Certification (3AP00)
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Air Compliance Manager, West Central Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next quarterly or semi-annual compliance monitoring report required by this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after a deviation is discovered from permit requirements, notify the Air Compliance Manager, West Central Regional Office, by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within two weeks provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Air Compliance Manager, West Central Regional Office.
(9 VAC 5-20-180 C, 9 VAC 5-40-50 and 9 VAC 5-80-250)

G. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20 and 9 VAC 5-40-20)

H. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emissions limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, telegraph, or any other method that allows the permittee to comply with the deadline. The notice fulfills the requirement of 9 VAC 5-80-110 F.2. b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirements under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

I. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

J. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

K. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

L. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

M. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
(9 VAC 5-80-110 G & L, 9 VAC 5-80-240, 9 VAC 5-80-260)
2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
 - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
 - b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
 - c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
 - d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;

- e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
- f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
- g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

N. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

O. Duty to Submit Information

- 1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
- 2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

P. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

Q. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1. (9 VAC 5-80-110 J)

R. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

S. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

T. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

U. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)